

IN THE HIGH COURT OF KARNATAKA AT BANGALORE



Dated this the 18th day of June 1998

B e f o r e

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIH

W.P.Nos:28153 & 154/97

(WP.28153/97)

BETWEEN:

Sri.T.Shankarnarayana Bhat,  
s/o T.Venkatramana Bhat,  
aged about 45 years, r/o Nisara house,  
R.C.Road, New Extn. Madikeri,  
Kodagu Dist.

(WP.28154/97)

Sri.V.Vanamala Bhat, s/o V.  
Narayana Bhat, aged about 40 yrs.  
r/o Nesara House, RC Road, New  
Extension, Madikeri, Kodagu  
Dist.

.... Petitioners;

(By Sri. B.M.Krishna Bhat)

AND:

1. State of Karnataka, by Secretary  
to Govt. Town Municipal Administration  
Dept. Multistoried bldg., Dr.Ambedkar  
road, Bangalore-1.

2. The Deputy Commissioner,  
Kodagu Dist. Madikeri, 571 201, &

3. The Chief Officer, The Town  
Municipal Council, Madikeri,  
Kodagu Dist.

4. Y.M.Kaushik, s/o Bhagwandas, major,  
r/o Door No.3-11-1- Ganapathy St.  
Madikeri-574 201, Kodagu Dist. ... Respondents;

( Sri.K.Nagaraja HCGP for R1 and R2;  
Sri. C.M.MOnappa for R3;  
R-4 being served)

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Writ Petitions are filed under Arts.226 and 227 of the  
Constitution praying to quash the order dt.28-6-1997  
(Annexure-K).

Thesepetitions coming on for preliminary hearing in  
B group this day, the Court made the following:-

WP28153-154/97

O R D E R

18-6-1998

The petitioners in these petitions have challenged the order passed by the Deputy Commissioner under Sec.306 of the Karnataka Municipalities Act (for short 'the Act'). Under Sec.306 of the Act, if the Deputy Commissioner passes an order suspending the resolution of the Municipality, he is required to forward the proceedings to the State Government. Thereafter, the State Government may pass a final order under Sec.306(2) of the Act. The power of the ~~Deputy Commissioner~~ <sup>State Government</sup> is now delegated to the Director of Municipal Administration. Therefore, the Director is required to pass a final order on the basis of the proceedings submitted by the Deputy Commissioner. In the said view of the matter, I do not propose to interfere with the order of the Deputy Commissioner in these petitions.

2. Accordingly, writ petitions are rejected. However, the 2nd respondent is directed to submit the proceedings pursuant to the order passed by him on 28-6-1997 to the Director of Municipal Administration within three months from today. On submission of the said proceedings the Director of

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Municipal Administration shall pass a final order as required under Sec.306(2) of the Act, after due notice to the petitioners.

Sd/-  
JUDGE

Hsf.

